STANISLAUS COUNTY
PESTICIDE USE ENFORCEMENT PROGRAM

WORL PLAN for Fiscal Year 2006-2007

Agricultural Commissioner Budgeted Staff Allocation for FY 2006/2007

1- County Agricultural Commissioner/Sealer
1- Assistant Agricultural Commissioner/Sealer
2- Deputy Agricultural Commissioners/Sealer (2 current vacancies)
1- Special Project Manager
12- Agricultural/Weights & Measures Inspectors (1 current vacancy)
3- Agricultural Assistants
1- Confidential Assistant
1- System Engineer (currently vacant)
1- Account Technician
2- Account Clerks
As needed extra help staff, primarily for pest detection and GWSS programs.

The Agricultural Inspector position and System Engineer will be filled as soon as possible. While the Department assess the current workload for the three Deputies and one Special Project Manager, one Deputy Agricultural Commissioner/Sealer's position will not be filled. This evaluation will also achieve needed salary savings.

PESTICIDE USE ENFORCEMENT PROGRAM RESOURCES

PERSONNEL: including administration, supervision, inspector, technical, and clerical hours, historical utilization of staff on pesticide use enforcement program and projections for this fiscal year are as follows [2080 hours equal to 1 full time equivalent (FTE)]:

FY01/02 – 7.5 PUE FTE
FY02/03 – 7.8 PUE FTE
FY03/04 – 8.6 PUE FTE
FY04/05 – 8.75 PUE FTE
FY05/06 – 8.7 PUE FTE

5-year average – 8.7 PUE FTE

FY06/07 Projection – 10.5 PUE FTE

Notes: FY06/07 projections reflects anticipated increase in number of man hours to be spent in the PUE program due to change in number of full time employees.

- Training levels vary: 1 Deputy Agricultural Commissioner/Sealer and one Inspector are trained for PUE.
- Two Inspector arefully Licensed and undergoing PUE training.
- Two unlicensed Inspector with no training.

- Five licensed Pest Exclusion Inspectors have started cross training in the PUE areas that overlap with quarantine programs (Commodity Fumigations, Field Fumigations).
- All staff are centrally located in Modesto and report to a Deputy Agricultural Commissioner/Sealer.

Equipment/Facilities/Assets:

- Each PUE inspector whose primary assignment is PUE has an assigned vehicle for daily use in the field. Additionally, PUE staff has a van available to respond to investigations and drift complaints.
- All PUE inspectors have been provided with digital cameras, wind gauges and cell phones.
- Each PUE inspector has a computer workstation at their desk and one inspector has a tablet PC and utilizing Statewide Soft AIRS computer program to perform inspections in the field. All PUE inspectors are scheduled to be using tablet PC's in the field by January 2007.
- In order to verify buffer zones 1 rangefinder is available.
- Two Drager Pac III's are available for determining phosphine gas levels.
- All Inspectors have drager tubes for detecting methyl bromide.
- The RMMS program (Restricted Materials Management System) has a web-based application for electronic submittal of pesticide use reports which is currently used by the growers and Pest Control Companies. The electronic submittal of pesticide use reports has reduced the pesticide use reporting data entry workload by 25%.
- Our office uses ArcView version 9.xx GIS software and three employees are trained to utilize the program. A long-term goal is to link GIS with RMMS for near real time pesticide analysis. Currently, static GIS layers showing crop and permit information are available on each PC and are utilized by staff.
- Five GPS units are available for use in conducting investigations and other enforcement activities.

Restricted Material Permitting / Licensee Registration Program

3-Year Statistical History

	FY 03/04	FY04/05	Fy05/06	3-Year Average
Restricted Materials Permits Issued	2030	1807	1679	1839
Private Applicator Certifications	580	736	407	1574
Notice of Intents Reviewed	7485	6845	7787	7372
Pre-Application Site Inspections	453	491	227	390
Operator Identification Numbers Issued	170	180	208	186
Continuing Education Sessions	25	48	53	42
C.E Session Attendance	660	1126	2048	1278
Pest Control Business Registrations	162	146	168	159
Pest Control Advisor Registrations	169	168	172	170
Pest Control Pilot Registrations	22	21	25	23
Farm Labor Contractor Registrations	89	73	67	76
Structural Operator Notifications Received	82	120	146	116

Local Conditions – Sensitive Sites

- Residences and occupied structures near the application sites
- Locations with a history of neighbor complaints
- Other sensitive sites like sports parks, shopping centers and hospitals.
- Rural schools and churches in the midst of production and non-production agricultural operations
- Ag/Urban interface around expanding cities (Patterson, Oakdale, Hughson, Modesto, Riverbank and Salida)
- Dormant season applications to trees and vines in close proximity to waterways
- Sensitive crops (protection of organic production)
- Endangered species habitat
- Ground water protection areas (246 Sections)

Local Conditions – Crop Patterns

- Stanislaus County produces over 200 commodities. All areas of the county are heterogeneous in planting patterns.
- Northern Region of Stanislaus County has primarily almonds, walnuts, wine grapes, grain, and rangeland
- Central Region has almonds, peaches, walnuts, wine grapes, vegetable crops
- West Side and East Side areas have row crops (including and not limited to bell peppers, cauliflower, carrots, vegetable transplants, lettuce, etc….), nursery and indoor decoratives, strawberries and fruit trees.

Permit Evaluation

- Pesticide permits, operator identification numbers, and licensee registrations are issued by agricultural inspectors on rotating office duty. For approximately three months (December through February), we operate on an appointment basis, with up to four agricultural inspectors on duty.
- The staff utilizes a computer program similar to the programs used in doctor's offices to schedule appointments. Growers with large permits are contacted in advance of the permit season and scheduled for an appointment.
- Permit applicants are expected to bring updated site information and anticipated pesticide needs. During permit review process, site maps are reviewed for completeness. A current and accurate high resolution GIS map is printed out and used by the inspectors to map and identify environmental hazards at each use site.
- Prior to permit issuance feasible alternatives and mitigation measures are evaluated, including, but not limited to: requiring buffers, increasing buffers, best management practices, using alternative types of equipment to avoid drift,

and utilizing inspectors to monitor applications around sensitive sites. Permits are conditioned utilizing the Department of Pesticide Regulations (DPRs) suggested permit conditions or other conditions to mitigate hazards. When needed, staff also participates in implementing mid-year adjustments to incorporate new regulations or policies.

- Private applicator certification is handled at the same time as permit issuance. If the private applicator needs to take the exam, it is administered and scored in advance of permit issuance. If the renewal is by continuing education, the private applicator records are checked to verify completion of minimum requirements.

WEAKNESSES

- Current maps are inaccurate and missing important information.
- Some sites that are issued the same site number are not contiguous and it is difficult to address adjacent property environmental concerns accurately.
- Permit conditions are not up to date.
- Lack of trained staff.

GOAL or OBJECTIVE

- To protect environment, public and workers, utilizing the Restricted Material Permitting process to mitigate the hazards, while allowing for effective pest management.

DELIVERABLES

- Stanislaus County staff will be spending more time during Fiscal Year 2006/07 permit issuance season to accurately document sites on the permit. We will evaluate existing sites that are not contiguous having the same site number and amend permits to follow established guidelines for site identification. Mapping process will be improved by utilizing GIS program.
- In addition, a system of post issuance quality control checking will be considered and implemented if time is available.
- Permit conditions will be updated to reflect recent changes in the regulations (ERP) and to include surface water and ground water regulations. A permit condition check sheet will be developed for documentation of permit conditions.
- Q.U.I.C (a process evaluation tool) will be used to evaluate the entire permit process from A to Z. A flow chart will be developed to explain the steps of permit process, the problem areas will be identified, and solutions will be implemented to improve the permitting process. It is our goal to improve the efficiency of the permit process by identifying the most important areas that need discussion.
- There will be increased monitoring of proposed application sites to provide an additional measure of safety for potential impacts to human health and the environment.

- A long-term goal is to have staff trained and utilizing GIS technology with RMMS. A consistency in documentation of sites and accurate maps is necessary and essential to maintain accurate permits. Better site description and increased map details will provide clearer information as to site locations.

MEASURES OF SUCCESS

Stanislaus County Agricultural Commissioner will continue to evaluate restricted material permitting program to continually identify areas that may be enhanced for greater consistency and efficiency.
With more available trained staff, implementation of permit condition check sheet, better site locations and maps, better consistency in documentation of permit changes will help to streamline the permitting process and provide a more complete Restricted Material Permitting Program. This will benefit the public, environment, workers and industry by providing a safe and effective pest management program.

SITE MONITORING

- Notice of Intents (NOIs) are received in person, by phone or fax. Currently assigned district inspectors review NOIs on daily basis. Proposed applications are checked for accuracy, completeness and compliance with permit conditions. Product labels and site evaluations (presite inspections) are utilized to determine possible adverse impacts/mitigation measures needed for the proposed application. The applicator and property operator are notified if there is a denial of an NOI. A NOI denial is also documented as to the reason why it was denied.

- When selecting pre-site inspections, consideration is given to sensitive site locations, local conditions, pesticide toxicity, types of applications (fumigations, aerial applications) and compliance histories of permittees and applicators.

WEAKNESSES

- Stanislaus County received 7,787 Notices of Intent (NOIs) to apply pesticides and evaluated 277 of them with pre-site application inspection. This constitutes less than 3% of the NOIs. The California Code of Regulations 6436 requires pre-site applications to be conducted on 5% of the NOIs.
- Lack of review of recommendations to assist in assessment of notice of intent primarily in regards to pesticide labeling, rates and crops.
- Many NOIs are not submitted 24hrs prior to application and it is difficult to review these NOIs in timely manner.

GOAL

- Assure that the site monitoring for restricted material use is effective, preventative and comprehensive by taking pesticide hazards, local conditions, cropping and fieldwork patterns into consideration.

DELIVERABLES

- Increase accuracy and site evaluations (at least 6% of NOIs submitted will be pre-sited)
- WHAT RESOURCES AND HOW WILL THEY BE USED? Utilize more of existing resources to provide enhanced evaluation of applications with the potential to impact the environment or human health.
- Staff training by Deputy Commissioner and DPR

MEASURES OF SUCCESS

We expect increased monitoring of proposed application sites to provide an additional measure of safety for potential impacts to human health and environment. Utilizing more resources to take a more proactive approach will also help to mitigate any potential hazards. Increased pre-site inspections will provide enhanced protection by utilizing the most accurate permit conditions/mitigation measures based on the current site conditions, which then are to be implemented by the permittee and/or applicator for a safe and effective application.

COMPLIANCE MONITORING

2006/2007 INSPECTION WORKLOAD (APPROXIMATIONS)

1. Completed Investigations/Complaints: All
2. Application Inspections (non-fumigation):
    - Property Operator 109
    - Pest Control Business/MG 47
    - Structural Branch II 16
    - Structural Branch III 1
3. Fieldworker Safety Inspections 48
4. Mix/Load Inspections:
    - Property Operator 28
    - Pest Control Business/Maintenance Gardener 21
    - Structural Branch II/III 1
5. Fumigation Monitoring Inspections:

- Field Fumigations 26
- Commodity Fumigations 45
- Structural Branch I 7

6. Headquarter/Employee Safety Inspections:
   - Property Operator 35
   - Pest Control Business/Maintenance Gardener 10
   - Structural 4
   - Other 7
7. Records Inspections:
   - Pest Control Business/Maintenance Gardener 13
   - Pest Control Advisor 16
   - Dealer 10
   - Structural 1
8. Pre-application site Inspections 6% of total NOIs
9. Non-Agriculture Permits using Restricted Materials All
10. Rice Water Holding 11
11. Ag Waivers ?

COMPREHENSIVE INSPECTION PLAN

Pesticide use monitoring inspections are conducted based on potential hazard posed by the application, proximity to sensitive sites and compliance history of the permittee and/or applicator. During fiscal year 2006/2007, Stanislaus County will attempt to conduct inspections at our 5-year average. Continuing our emphasis from recent years, emphasis will be placed on verifying compliance with worker safety standards, field fumigation requirements, and monitoring agricultural/urban interface.

WEAKNESSES

- Low number of follow up inspections involving worker safety violations.
- Incomplete inspections with missing information under the comment section for non-compliances.
- Untrained staff.
- Pesticide use surveillance time is low resulting in lower number of inspections and follow-up inspections.

GOAL

- Assure that the compliance monitoring is effective and comprehensive, ensuring the safety of pesticide handlers, fieldworkers, the public, and the environment through the use of inspection strategy that has a measurable effect on compliance improvement.

DELIVERABLES

- Better gathering of evidence at the time of inspection when non-compliances are identified. This is important in order to be prepared for possible civil penalty proceedings. Part of accomplishing this is better narration of noncompliance's in the place provided on the inspection form or on supplemental pages. In order to accomplish this, the pesticide deputy and enforcement branch liaison will develop and present training to staff during Fiscal Year 2006/07.
- Stanislaus County will develop a tracking program to track noncompliances and follow-up inspections. Currently this is a weakness, especially when the inspector other than the original inspector conducts the subsequent inspection. The goal is to have a working system in place by the end of the fiscal year.
- Stanislaus County will focus on grower applications for worker safety compliance.
- Conduct more inspections focused on ground water protection and wellhead protection regulations. During the past years, great emphases has been placed on staff and grower training in these areas, as well as identifying permits which need to be conditioned for these requirements. The next step is to verify that growers and pest control businesses are actually complying with these regulations.
- Compliance assistance inspections will be conducted with the growers and will be utilized for educational purposes and then regular inspections will be performed.

MEASURES OF SUCCESS

The inspection-tracking database will be used to generate a report on follow-up inspection success and compared to previous fiscal year. Additional staff training and dedication of time will increase effectiveness and consistency of compliance monitoring. Compliance assistance inspections will increase interaction with the growers and help increase compliance over the long term.

INVESTIGATION / COMPLAINT RESPONSE AND REPORTING

All staff that conducts investigations holds licenses in Investigation and Environmental Monitoring. Staff responds complaints and incidents that may be related to pesticides.

WEAKNESSES

- Significant emphasis has been placed on improving report writing in the past year. However, a few areas have been identified which could improve our investigations.
- Better complaint/investigation tracking. A database will be developed for documenting all the complaints and investigations received on a monthly basis.
- Timeliness. While investigations are initiated in a timely manner, quite often the report writing is delayed. Better emphasis will be placed on completing illness investigations in timely manner and within 120 calendar days. Priority investigations will continued to be responded to immediately upon notification.

GOAL

- Thoroughly investigate every incident, using DPR protocols for sampling when necessary, and complete investigations in a timely manner with accurate and supportive documentation.

DELIVERABLES

- Timely initiation and completion of all illness investigations.
- Thorough report presentation.
- Internal tracking database for illness investigation.
- Use of appropriate DPR protocols for evidence collection.
- Sampling kits will be provided to the staff for efficient and ready-use sampling equipment when necessary. Episode Response Van will be made available for the staff to use in the event of any pesticide related emergency. Episode Response Van is equipped to utilize electronic equipment and computers, which allows us to access RMMS database and review electronic records.
- Increase the number of trained staff to be available for investigation/complaint response.

MEASURES OF SUCCESS

With additional trained staff, investigations will be completed on a timely basis and provide consistent compliance / enforcement with pesticide laws and regulations. Use of appropriate DPR protocols will ensure evidence collection is performed correctly. A tracking log will provide investigation status information and assignment tracking, to help with efficiency. Accurate and complete investigations benefit all parties involved by being able to mitigate future incidents from occurring.

ENFORCEMENT RESPONSE

When non-compliances are found, various tools are used to achieve compliance. Tools ranging from education/outreach to administrative hearings or referral to the district attorney are available and utilized. Staff consults with the commissioner and EBL on the

appropriate level of action needed. Appropriate documentation and evidence are maintained. Currently, additional staff is being trained to enhance the PUE program, which will provide increased consistency of enforcement of laws and regulations.

Tracking of violations for compliance history is currently accomplished by keeping inspections and other required documents (PURs, NOIs, etc) in an individual's file (Permittee, Licensee). An inspection-tracking tool is under development that will help with more efficient tracking and quick reference for compliance histories. This will enable all staff to efficiently target repeat violators until compliance is achieved.

WEAKNESSES

- No tracking system for retrieving 2-year history of monitoring inspection non-compliances.
- No tracking system for initiation of fine actions.
- Lack of trained staff for timely follow-up inspection activity.

GOAL

- A commitment to improve the enforcement response associated with violations of pesticide laws and regulations. Consistently and fairly apply DPR's Enforcement Response Policy (ERP) to incidents in which a violation of pesticide laws and / or regulations have been confirmed and documented.

DELIVERABLES

- Staff training by the Deputy Agricultural Commissioner / DPR
- More efficient tracking and quick reference of violators and compliance histories.
- More efficient targeting of repeat violators.
- Adherence to DPR's ERP in determination of appropriate response to violations.

MEASURES OF SUCCESS

Appropriate compliance and enforcement actions may increase compliance by the expectation of continuance, that enforcement actions will be implemented when non-compliances are discovered. Fair, consistent and prompt action holds violators accountable, while maintaining program integrity and effectiveness. With additionally trained staff, enforcement consistency and effectiveness is also anticipated to increase compliance.